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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,187	11/17/2003	Andrea Finke-Anlauff	042933/269434	3366
826 7590 04/16/2008 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				
EXAMINER TAN, ALVIN H				
ART UNIT 2173		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,187

Applicant(s)

FINKE-ANLAUFF ET AL.

Examiner

ALVIN H. TAN

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 1/14/08, 3/3/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 1/14/08. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Claims 1-39 have been examined and rejected. This Office action is responsive to the amendment filed on 1/14/08, which has been entered in the above identified application.

Information Disclosure Statement

2. The information disclosure statement filed 1/14/08 has not been considered because it seems that Applicant has inadvertently included the IDS belonging to another application.

3. The references have been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in the information disclosure statements or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the

time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Double Patenting

4. The provisional non-statutory double patenting rejection will be held in abeyance until such time as a patent issues based upon one of these applications, at which time a substantive response will be provided if the rejection under the judicially created doctrine of obviousness-type double patenting is maintained.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothmuller et al (WO 02/057959 A2).

Claims 1-19

Claim 1: Rothmuller discloses a product comprising: a computer readable storage medium; and computer-readable program instructions embodied in the medium, the computer-readable program instructions including: first instructions for generating a

calendar view that represents time in calendar format and associates events with respective periods of time (page 3, lines 11- 15), at least one of the respective periods of time being prospective (page 6, lines 17-23); and second instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time (page 7, lines 16-19).

Claim 2: Rothmuller discloses the product of claim 1, wherein the second instructions for generating the media view associate digital media files with event information (p 2, lines 13-19).

Claim 3: Rothmuller discloses the product of claim 1, wherein the first and second instructions operate concurrently to generate a timeline view that combines the calendar view and the media view (page 6, lines 9-23).

Claim 4: Rothmuller discloses the product of claim 3, wherein the first and second instructions operate concurrently to generate, in the timeline view, a timeline associated the media view (page 6, lines 9-15).

Claim 5: Rothmuller discloses the product of claim 3, wherein the first and second instructions operate concurrently to generate, in the timeline view, a timeline associated with the calendar view and the media view (page 6, lines 9-23).

Claim 6: Rothmuller discloses the product of claim 1, wherein the first and second instructions operate concurrently to correlate metadata information of the media file and calendar events (page 6, lines 9-23).

Claim 7: Rothmuller discloses the product of claim 6, wherein the first and second instructions operate concurrently to combine metadata information of the media file and a relevant calendar event (page 6, lines 9-23).

Claim 8: Rothmuller discloses the product of claim 7, wherein the first and second instructions operate concurrently to store the combined metadata information into the metadata information of the media file (page 1, lines 25-30).

Claim 9: Rothmuller discloses the product of claim 8, wherein the first and second instructions operate concurrently to display, in the media view, an item of information in the metadata as a title for a group of media files having the same metadata as used in the title (page 1, lines 25-30).

Claim 10: Rothmuller discloses the product of claim 9, further comprising third instructions for searching the calendar view and the media view in terms of time period (page 1, lines 25-30).

Claim 11: Rothmuller discloses the product of claim 10, further comprising third

instructions for searching the calendar view and the media view in terms of any combination of metadata information (page 1, lines 25-30).

Claim 12: Rothmuller discloses the product of claim 1, wherein the first instructions also generate an indicator for the current time (Fig. 2 shows time at the upper right hand side).

Claim 13: Rothmuller discloses the product of claim 1, wherein the first instructions also generate a delineation between past time and future time (page 5, lines 18-25).

Claim 14: Rothmuller discloses the product of claim 1, wherein the second instructions associate digital media files with a period of time based upon information associated with the digital media file (page 7, lines 27-31).

Claim 15: Rothmuller discloses the product of claim 1, wherein the second instructions provide a user a presentation mode to access the digital media files (page 7, lines 27-31).

Claim 16: Rothmuller discloses the product of claim 1, wherein the second instructions generate a media view that associates digital media files with a past period of time (page 4, lines 16-23).

Claim 17: Rothmuller discloses the product of claim 1, wherein the first instructions generate a calendar view that associates events with respective future periods of time (page 3, lines 11-15).

Claim 18: Rothmuller discloses the product of claim 1, wherein the second instructions for generating a media view that provides access to the media files within a period in time further generates instruction that adjusts a size of a period of time view according to the amount of the media files in the period of time (page 7, lines 16-25).

Claim 19: Rothmuller discloses the product of claim 18, wherein the second instructions adjust the size of the period of time view so that all the media files within a period of time are visible (Fig. 1; page 8, lines 4-8).

Claims 20, 21

Claim 20: Rothmuller discloses a method for digital media management in a digital device, the method comprising: receiving, in a media diary application, a digital media file having metadata associated with the digital media file (page 11, lines 21-31), the media diary application being configured to represent time in calendar format and associate events with respective periods of time (page 3, lines 11- 15), at least one of the respective periods of time being prospective (page 6, lines 17-23); and providing a user access to the digital media file via a media view that displays a representation of

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the digital media file in connection with a time element of the metadata (page 2, lines 20-25).

Claim 21: Rothmuller discloses the method of claim 20, further comprising correlating the metadata in the digital media file with calendar event information prior to providing a user access to the media file via a media view (page 6, lines 9-23).

Claims 22-25

Claim 22: Rothmuller discloses a method for digital media management in a digital device, the method comprising: receiving a digital media file having metadata associated with the digital media file (page 11, lines 21-31); transmitting the file, automatically, to a media diary application that associates the digital media file with a period in time based on the metadata (page 1, lines 25-30 and page 2, lines 1-11), the media diary application being configured to represent time in calendar format and associate events with respective periods of time (page 3, lines 11- 15), at least one of the respective periods of time being prospective (page 6, lines 17-23); providing a user access to the digital media file via a media view that displays a representation of the digital media item in connection with the period of time (Fig. 1).

Claim 23: Rothmuller discloses the method of claim 22, further comprising providing the user access to the digital media file via a timeline view that combines a timeline with the media view and a calendar view of calendared events (page 8, lines 14-26).

Claim 24: Rothmuller discloses the method of claim 23, wherein the providing the user access to the digital media file via a timeline view that combines a timeline with the media view and a calendar view of calendared events further comprises providing the user access to the digital media file via a timeline view that combines a timeline with the media view of media files associated with past periods of time and a calendar view of calendared events associated with future periods of time (page 7, lines 27-31 and page 8, lines 1-26).

Claim 25: Rothmuller discloses the method of claim 23, wherein the providing the user access to the digital media file via a timeline view that combines a timeline with the media view and a calendar view of calendared events further comprises providing the user access to the digital media file via a timeline view that combines a scrollable timeline with the media view and a calendar view of calendared events (Fig. 1; page 4, lines 16-30).

Claims 26-31

Claim 26: Rothmuller discloses a method for digital media management in a digital device, the method comprising: storing information related to a calendar event in an event file (page 2, lines 13-19), the calendar event being prospective calendared (page 6, lines 17-23); receiving a digital media file associated with the calendar event (page 5, lines 18-23); correlating the digital media file with the information in the event file (page

2, lines 13-19); and creating an accessible representation of the digital media file and at least a portion of the correlated information in the event file (page 2, lines 20-25).

Claim 27: Rothmuller discloses the method of claim 26, wherein the storing information related to a calendar event in an event file further comprises storing information related to a calendar event in an event file associated with a calendar planner of a media diary (page 2, lines 13-19).

Claim 28: Rothmuller discloses the method of claim 26, wherein the creating an accessible representation of the digital media file and at least a portion of the correlated information in the event file further comprises creating, in a media view of the media diary, an accessible representation of the digital media file and at least a portion of the correlated information in the event file (page 4, lines 27-30 and page 5, lines 1-4).

Claim 29: Rothmuller discloses the method of claim 26, wherein the storing information related to a calendar event in an event file further comprises storing date and event title information related to a calendar event in an event file (page 5, lines 10-19).

Claim 30: Rothmuller discloses the method of claim 26, wherein the correlating the digital media file with the information in the event file further comprises correlating metadata in the digital media file with date information in the event file (page 5, lines 10-19).

Claim 31: Rothmuller discloses the method of claim 26, wherein the correlating the digital media file with the information in the event file further comprises correlating metadata in the digital media file with metadata information in the event file (page 5, lines 10-21).

Claims 32-36

Claim 32: Rothmuller discloses a method for defining a media file representation in a media view of a media diary application, the method comprising: receiving a media file having associated metadata information (page 5, lines 18-23); correlating the metadata information with calendar event information (page 2, lines 13-19), the calendar event information relating to a prospectively calendared event (page 6, lines 17-23); determining a manner in which the media file will be represented in a media view of the media diary (page 11, lines 28-31); presenting the media file as a media file representation in the media view in accordance with the correlation procedure and the determination of the manner of representation (page 11, lines 21-31).

Claim 33: Rothmuller discloses the method of claim 32, wherein the determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of a thumbnail representing the media file (page 8, lines 4-8).

Claim 34: Rothmuller discloses the method of claim 32, wherein the determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of the date column that the representation will reside in (Fig. 1).

Claim 35: Rothmuller discloses the method of claim 32, wherein the determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of the media view in proportion to the overall viewing area (Fig. 1).

Claim 36: Rothmuller discloses the method of claim 32, wherein the determining the manner in which the media file will be represented in a media view of the media diary further comprises determining a quantity of the media files represented in a date column (page 8, lines 28-31 and page 9, lines 1-14).

Claims 37-41

Claim 37: Rothmuller discloses an apparatus comprising: a processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions comprising: first instructions for generating a calendar view that represents time in calendar format and associates events with respective periods of time (page 3, lines 11- 15), at least one of the respective periods

of time being prospective (page 6, lines 17-23), and second instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time (page 7, lines 16-19);

Claim 38: Rothmuller discloses the apparatus of claim 37, wherein the first and second instructions operate concurrently to generate a timeline view that combines the calendar view and the media view (Fig. 4; page 9, lines 15-20).

Claim 39: Rothmuller discloses the apparatus of claim 37, wherein the display presents the timeline view with a timeline associated with the calendar view and the media view (page 9, lines 15-20).

Claim 40: Rothmuller discloses the apparatus of claim 37, wherein the processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions comprising further comprises a third instructions for searching the calendar view and the media view in terms of time period (page 9, lines 27-32).

Claim 41: Rothmuller discloses the apparatus of claim 37, further comprising a display in communication with the processing unit that presents, independently, the calendar view and the media view (page 9, lines 15-20).

Response to Arguments

7. The Examiner acknowledges the Applicant's amendments to claims 1, 20, 22, 26, 32, and 37. Regarding independent claim 1, the Applicant alleges that Rothmuller et al (WO 02/057959 A2), as described in the previous Office action, does not explicitly teach a calendar view that includes, or is capable of including, prospectively calendared events, as has been amended to the claim. Contrary to Applicant's arguments, Rothmuller teaches that metadata used for tagging include data indicating a recurring event (page 6, lines 17-23). Since Rothmuller teaches tagging a recurring event and that the calendar view will indicate all of the days of the month associated with objects that match all of the tagged search criteria, match some of the tagged search criteria, and match none of the tagged search criteria (page 3, lines 10-16), Rothmuller teaches that at least one of the respective periods of time being prospective. Consequently, and given the broadest, most reasonable interpretation of their claim language, Rothmuller is still considered to anticipate claim 1.

Similar arguments have been presented for claims 20, 22, 26, 32, and 37 and thus, Applicant's arguments are not persuasive for the same reasons.

Applicant states that dependent claims 2-19, 21, 23-25, 27-31, 33-36, and 38-41 recite all the limitations of the independent claims, and thus, are allowable in view of the remarks set forth regarding independently amended claims 1, 20, 22, 26, 32, and 37. However, as discussed above, Rothmuller is considered to teach claims 1, 20, 22, 26, 32, and 37, and consequently, claims 2-19, 21, 23-25, 27-31, 33-36, and 38-41 are rejected.

Conclusion

8. It should be noted that the examiner originally assigned to this case has been changed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN H. TAN whose telephone number is (571)272-8595. The examiner can normally be reached on Mon-Fri 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHT
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Primary Examiner, Art Unit 2173

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